

REMARKS

Status of Claims

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-13, 15, 16, 18, 19, 24, 25, 27-29, 31-33, 35-38 and 40-44 were pending at the time of the Office Action.
- No claims are added or canceled herein.
- Claims 18, 19, 25, 27, 29, 36-38 and 44 are amended herein.
- Claims 1, 18, 29, 33, 36, 38 and 40 are independent.

Support for the amendments to the claims is found, for example, at least at paragraphs 0031-0033 of Applicant's original specification. No new matter has been added.

Claim 18 Complies with § 112 Second Paragraph

Claim 18 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses this rejection.

Nevertheless, for the sole purpose of expediting prosecution and without acquiescing in the propriety of the Office's rejections, Applicant herein amends claim 18 as shown above. Applicant respectfully submits that these amendments render the § 112, second paragraph rejection moot.

Claims 36-38 and 44 Recite Statutory Subject Matter Under § 101

Claims 36-38 and 44 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

Nevertheless, for the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, Applicant herein amends claims 36-38 and 44 as shown above. In particular, claims 36-37 now recite a system including a processor. Further, claims 38 and 44 now recite a computer readable storage media having instructions stored thereon. Since a signal cannot have instructions stored thereon, no reasonable interpretation of these claims can construe these claims as being directed to a signal. Applicant respectfully submits that these amendments render the § 101 rejections moot.

Cited Documents

The following documents have been applied to reject one or more claims of the Application:

- **Herrington:** Herrington et al., U.S. Patent Application Publication No. 2004/0221310
- **Dodson:** Dodson et al., U.S. Patent No. 6,184,877
- **Ellis:** Ellis et al., U.S. Patent Application Publication No. 2008/0115169

Claims 1-5, 8-10, 12-13, 15, 16, 29, 31-32, 33, 35-38, and 40-44 are Non-Obvious Over Herrington in view of Dodson

Claims 1-5, 8-10, 12-13, 15, 16, 29, 31-32, 33, 35-38, and 40-44 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Herrington in view of Dodson. Applicant respectfully traverses the rejections.

Independent Claim 1

Claim 1 recites, in part (emphasis added):

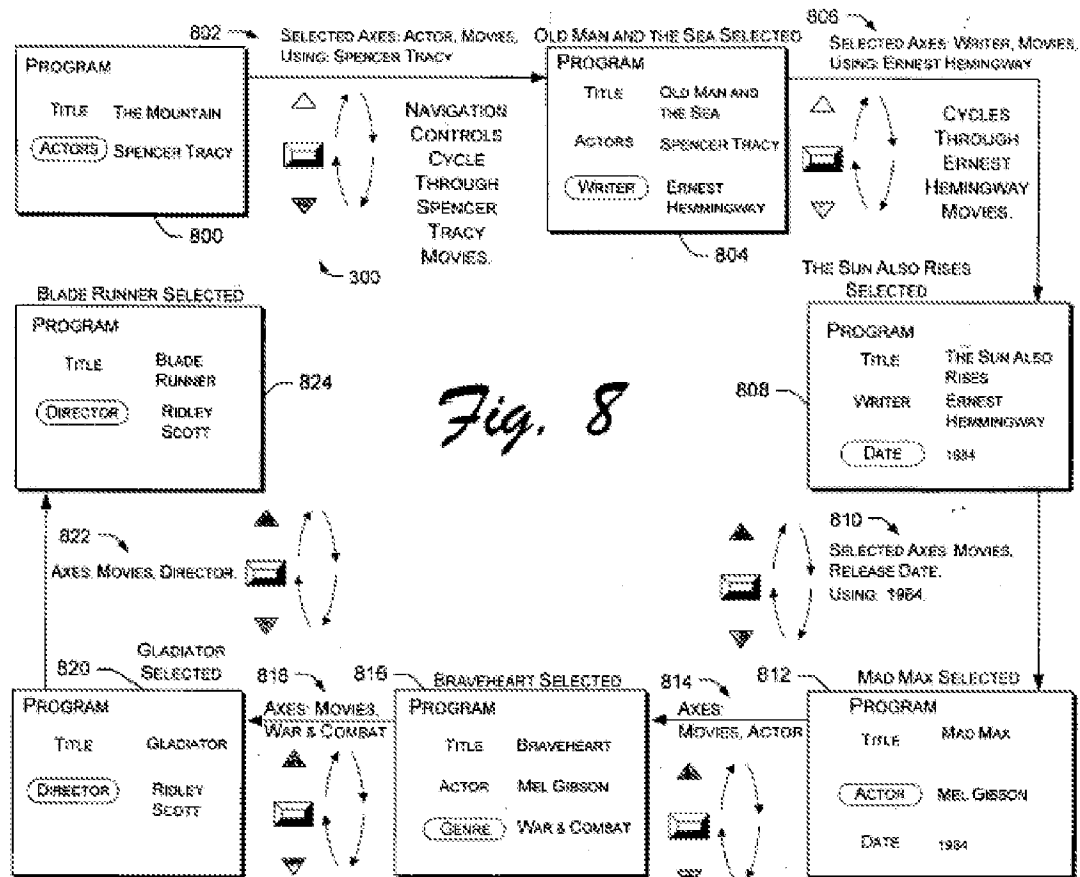
generating a sequence of television programs associated with the identifiers for navigation ***wherein the sequence comprises a corresponding navigational axis***, the sequence of television programs including the current television program and at least one other television program that shares one or more of the selected attributes with the currently displayed television program; and

navigating the sequence of television programs, wherein the navigating comprises using the next key or previous key to change from displaying the currently displayed television program in the sequence to displaying another television program in the sequence, ***wherein the next key or previous key is used to cycle through the sequence of television programs without having to access a menu listing the television programs in the sequence for navigating to display of a next television program in the sequence.***

In the rejection of claim 1, the Office cites Herrington, FIG. 5 and paragraph 0051 as teaching “generating a sequence of television programs associated with the identifiers for navigation wherein the sequence comprises a corresponding navigational axis.” However, Applicant has reviewed the cited portions of Herrington and the remainder of Herrington, and Applicant has been unable to locate any teaching or suggestion in Herrington of “***wherein the sequence comprises a corresponding navigational axis***” as recited in Applicant’s claim 1. Instead, for example, Herrington

merely describes displaying a list of programs related to a particular program. (See, e.g., Herrington, FIG. 5, and par. 0051, 0062.) Thus, rather than generating a sequence of programs that comprise a navigational axis, Herrington merely displays a listing of related programs. In Herrington, the user must select one of the programs from the displayed list to view the program, display the list again to select another program, and so forth. On the other hand, Applicant's claim 1 recites generating a sequence of programs as a navigational axis. The navigational axis enables the sequence of programs to be navigated without having to access a menu listing the television programs in the sequence for navigating to display a next television program in the sequence. This is not the case in Herrington, in which a list of programs is displayed and the user must repeatedly return to the list to access other programs in the list.

For example, as illustrated at FIG. 8 of Applicant's application, reproduced below, a navigational axis may be generated based on selected attributes shared with a currently displayed television program. Thus, as shown at 800, if the user is currently viewing a program in which Spencer Tracy is an actor, the user may use "Spencer Tracy" and "Movies" as attributes to generate a navigational axis of a sequence of Spencer Tracy movies. As shown at 802 the user may use the navigation controls 300 to cycle through the navigational axis of Spencer Tracy movies without having to access a menu listing the movies. FIG. 8 shows that a variety of such navigational axes may be generated based on a variety of different attributes.



On the other hand, Herrington merely displays a list of programs and the user must repeatedly return to the list to access other programs in the list. Thus, Herrington does not generate a navigational axis as defined in Applicant's claim 1 and, consequently, Herrington does not teach or suggest the above recitations of Applicant's claim 1.

Dodson fails to make up for the shortcomings in Herrington pointed out above. Dodson is cited by the Office as teaching the second recitation set forth above (citing FIG. 4, element 206, col. 2, lines 65-66 and col. 3, lines 41-49). However, Applicant respectfully notes that element 206 of FIG. 2 shows nothing more than a conventional remote control (Dodson, col. 2, lines 65-66). Further, col. 3, lines 41-49 of Dodson merely describe the following (emphasis added):

If the user elects to begin search, a new overlay 400 appears over the program. ***The overlay 400 includes a list of hits based on the search terms.*** Examples of the list of hits may include movie reviews of the selected movie, interviews with the actors, and directors' interpretation of a particular scene in a movie. A user may view the list of hits and decide to cancel the overlay 400 and return to the program, or ***the user may select one of the hits to view the text associated with the hit.***

Consequently, Dodson also fails to teach or suggest “wherein the sequence comprises a corresponding navigational axis,” as recited in Applicant’s claim 1. Dodson further fails to teach or suggest “navigating the sequence of television programs...wherein the next key or previous key is used to cycle through the sequence of television programs without having to access a menu listing the television programs in the sequence for navigating to display of a next television program in the sequence,” as also recited in Applicant’s claim 1. Instead, Dodson merely describes displaying “a list of hits based on the search terms” and the “user may select one of the hits to view the text associated with the hit” (Dodson, col. 3, lines 42-49). Thus, Dodson does not teach or suggest “generating a sequence of television programs associated with the identifiers for navigation wherein the sequence comprises a corresponding navigational axis,” as recited in Applicant’s claim 1. Further, Dodson does not teach or suggest “navigating the sequence of television programs, wherein the navigating comprises using the next key or previous key to change from displaying the currently displayed television program in the sequence to displaying another television program in the sequence, wherein the next key or previous key is used to cycle through the sequence of television programs without having to access a menu listing the television programs in the sequence for navigating to display of a next television program in the sequence,” as recited in Applicant’s claim 1. Because Dodson merely describes accessing a list of

search results, Applicant submits that the Office has failed to point to any portion of Dodson that teaches or suggests the above recitations of Applicant's claim 1. Consequently, neither Herrington nor Dodson teach or suggest the above recitations of Applicant's claim 1. Therefore, for at least the reasons presented herein, the combination of Herrington and Dodson does not teach or suggest all of the features of claim 1. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 1.

Dependent Claims 2-5, 8-10, 12, 13, 15 and 16

Claims 2-5, 8-10, 12, 13, 15 and 16 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2-5, 8-10, 12, 13, 15 and 16 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

For example, dependent claim 16 recites that "the Boolean operators are applied automatically based on an association between a link for launching a predefined query corresponding to a navigation context and the television program content associated with the link." The Office asserts that Herrington teaches this recitation, citing paragraph 0059 of Herrington. However, Applicant respectfully notes that the cited portion of Herrington merely describes that the "program guide may locate program listings for programs that have an attribute that matches an attribute of the given program (e.g., a common actor, same content, same subject matter, same series, common director, same category, same theme, common production year, etc.), program

listings for programs that have a plurality of attributes matching attributes of the given program.” However, the Office has failed to point to any portion of Herrington that teaches or suggests a link for launching a predefined query corresponding to a navigational context. Thus, Herrington does not teach or suggest an association between a link for launching a predefined query corresponding to a navigation context and the television program content associated with the link. Dodson fails to make up for the shortcomings in Herrington pointed out above. Accordingly, claim 16 is separately allowable over the cited documents. In view of the foregoing, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 2-5, 8-10, 12, 13, 15 and 16.

Independent Claim 29

Applicant respectfully submits that the cited combination of documents fails to teach or suggest at least the following features recited in this claim:

wherein the navigation controls provide for navigation from display of the currently displayed television program to display of a plurality of different television programs corresponding to the television program identifiers in the list by activation of a single key for cycling through display of the television programs along the navigational axis identified by the list.

For the reasons discussed above with respect to claim 1, Applicant respectfully submits that independent claim 29 is also allowable over Herrington, Dodson and/or the other documents of record, whether taken alone or in combination with one another. Accordingly, Applicant respectfully asks the Examiner to hold independent claim 29 allowable.

Dependent Claims 31 and 32

Claims 31 and 32 depend from independent claim 29. As discussed above, claim 29 is allowable over the cited documents. Therefore, claims 31 and 32 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites. Applicant respectfully requests that the Office withdraw the 103 rejection of claims 31 and 32.

Independent Claim 33

Applicant respectfully submits that the cited combination of documents fails to teach or suggest at least the following features recited in this claim:

a navigation controller associated with the user interface to select the attribute values from the displayed set of attribute values corresponding to the currently displayed television program for launching the one or more predefined queries, to navigate the navigational axis that is the list of program identifiers of television programs determined to correspond to the one or more predefined queries, and to display television programs corresponding to the program identifiers on the list, wherein the navigation controller comprises a single key activated to display multiple programs successively with corresponding successive single activations of the single key.

For the reasons discussed above with respect to claim 1, Applicant respectfully submits that independent claim 33 is also allowable over Herrington, Dodson and/or the other documents of record, whether taken alone or in combination with one another. Accordingly, Applicant respectfully asks the Examiner to hold independent claim 33 allowable.

Dependent Claim 35

Claim 35 depends from independent claim 33. As discussed above, claim 33 is allowable over the cited documents. Therefore, claim 35 is also allowable over the cited documents of record for at least the dependency of this claim from an allowable base claim, and also for the additional features that it recites. Applicant respectfully requests that the Office withdraw the 103 rejection of claim 35.

Independent Claim 36

Applicant respectfully submits that the cited combination of documents fails to teach or suggest at least the following features recited in this claim:

wherein the television programs on the list are displayed as accessed by a television channel navigation control for navigating one or more navigational axes, wherein the television channel navigation control comprises a next key, a previous key and a select key, wherein the next key or previous key is used to cycle through the television programs corresponding to the list without having to access a menu listing the television programs in the list for navigating to a next television program in the sequence.

For the reasons discussed above with respect to claim 1, Applicant respectfully submits that independent claim 36 is also allowable over Herrington, Dodson and/or the other documents of record, whether taken alone or in combination with one another. Accordingly, Applicant respectfully asks the Examiner to hold independent claim 36 allowable.

Dependent Claim 37

Claim 37 depends from independent claim 36. As discussed above, claim 36 is allowable over the cited documents. Therefore, claim 37 is also allowable over the cited documents of record for at least the dependency of this claim from an allowable base claim, and also for the additional features that it recites. Applicant respectfully requests that the Office withdraw the 103 rejection of claim 37.

Independent Claim 38

Applicant respectfully submits that the cited combination of documents fails to teach or suggest at least the following features recited in this claim:

providing an interface for selecting and launching a database query based on the one or more selected attributes corresponding to the currently displayed television program, wherein the query returns a list of program identifiers of television programs having the one or more attributes that define the navigational axis;

displaying sequentially the television programs in the list when a user uses a navigation controller for changing television channels to navigate along the navigational axis without having to access a menu listing the television programs in the list for navigating to a next television program in the list.

For the reasons discussed above with respect to claim 1, Applicant respectfully submits that independent claim 38 is also allowable over Herrington, Dodson and/or the other documents of record, whether taken alone or in combination with one another. Accordingly, Applicant respectfully asks the Examiner to hold independent claim 38 allowable.

Independent Claim 40

Applicant respectfully submits that the cited combination of documents fails to teach or suggest at least the following features recited in this claim:

generating a navigational axis for navigating the television programs that correspond to the television program identifiers wherein the navigational axis comprises an axis independent of a future time;

receiving an instruction to change a channel on the television by activation of a single channel change key;

responsive to receipt of the instruction, navigating the navigational axis from a first channel displaying the currently displayed television program to a second channel displaying a different television program located on the navigational axis; and

displaying the different television program on the television, wherein the different television program displayed is on a second channel that is not numerically adjacent to the first channel.

For the reasons discussed above with respect to claim 1, Applicant respectfully submits that independent claim 40 is also allowable over Herrington, Dodson and/or the other documents of record, whether taken alone or in combination with one another. Accordingly, Applicant respectfully asks the Examiner to hold independent claim 40 allowable.

Dependent Claims 41-44

Claims 41-44 ultimately depend from independent claim 40. As discussed above, claim 40 is allowable over the cited documents. Therefore, claims 41-44 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites. Applicant respectfully requests that the Office withdraw the 103 rejection of claims 41-44.

**Claims 6-7, 18-19, 24-25, and 27-28 are Non-Obvious over Herrington in view of
Dodson in further view of Ellis**

Claims 6-7, 18-19, 24-25, and 27-28 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Herrington in view of Dodson in further view of Ellis. Applicant respectfully traverses the rejections.

Dependent Claims 6-7

Claims 6-7 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the combination of Herrington and Dodson. Ellis is cited for allegedly teaching that television program content is on-demand or musical programming. However, Ellis does not teach or suggest generating a navigational axis, navigating the navigational axis, or the other elements of the above-discussed recitations of Applicant's claim 1. Consequently, Ellis fails to remedy the deficiencies of Herrington and Dodson as noted above with regard to independent claim 1. Therefore, claims 6-7 are also allowable over the cited documents of record at least for the dependency of these claims from an allowable base claim, as well as for the additional features that these claims recite. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 6-7.

Independent Claim 18

Claim 18, as amended, recites, in part:

receiving input from the navigation control to sequentially display content of the plurality of television programs as a navigational axis corresponding

to the one or more attribute values, the navigation control navigating the navigational axis by a single key used to cycle through displaying the content of the plurality of television programs identified without having to access a menu listing the plurality of television programs.

In the rejection of claim 18, the Office cites Dodson as teaching features of the above recitation of Applicant's claim 18 (citing FIG. 4, element 206, col. 2, lines 65-66 and col. 3, lines 41-49). However, as discussed above with respect to claim 1, Applicant respectfully notes that element 206 of FIG. 2 is merely a conventional remote control (Dodson, col. 2, lines 65-66). Further, col. 3, lines 41-49 of Dodson merely describes a list of hits based on search terms. Examples of the list of hits may include movie reviews of the selected movie, interviews with the actors, and directors' interpretation of a particular scene in a movie. A user may view the list of hits and decide to cancel the overlay 400 and return to the program, or the user may select one of the hits to view the text associated with the hit (Dodson, col. 3, lines 47-49).

Accordingly, Dodson fails to teach or suggest "receiving input from the navigation control to sequentially display content of the plurality of television programs as a navigational axis corresponding to the one or more attribute values," as recited in Applicant's amended claim 18. Dodson further fails to teach or suggest "the navigation control navigating the navigational axis by a single key used to cycle through displaying the content of the plurality of television programs identified without having to access a menu listing the plurality of television programs," as also recited in Applicant's claim 18. Instead, Dodson clearly describes displaying "a list of hits based on the search terms" and the "user may select one of the hits to view the text associated with the hit" (Dodson, par. 0035). Thus, Dodson does not teach or suggest sequentially displaying

content of the plurality of television programs as a navigational axis corresponding to the one or more attribute values. Further, Dodson does not teach or suggest that a single key is used to cycle through displaying the content of the plurality of television programs identified in the navigational axis without having to access a menu listing the plurality of television programs.

As discussed above with respect to claim 1, Herrington fails to make up for the shortcomings in Dodson pointed out above. Further, Ellis also fails to compensate for these shortcomings in Dodson. Ellis is cited for describing a program listings screen that may be overlaid on a program being viewed (Ellis, par. 0068). However, Ellis does not teach or suggest “receiving input from the navigation control to sequentially display content of the plurality of television programs as a navigational axis corresponding to the one or more attribute values,” as recited in Applicant’s claim 18. Ellis also fails to teach or suggest “the navigation control navigating the navigational axis by a single key used to cycle through displaying the content of the plurality of television programs identified without having to access a menu listing the plurality of television programs,” as recited in Applicant’s claim 18.

Therefore, for at least the reasons presented herein, the combination of Herrington, Dodson and Ellis does not teach or suggest all of the features of amended claim 18. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of claim 18.

Dependent Claims 19, 24, 25, 27 and 28

Claims 19, 24, 25, 27 and 28 ultimately depend from independent claim 18. As discussed above, claim 18 is allowable over the cited documents. Therefore, claims 19, 24, 25, 27 and 28 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

For example, dependent claim 19 recites that “the navigation control comprises a next key, a previous key and a select key, wherein the next key or previous key is used to cycle through the content of the plurality of television programs identified without having to access a menu listing the plurality of television programs for navigating to the content of a next television program of the plurality of television programs.” The Office asserts that Dodson teaches this recitation, citing col. 2, lines 65-66 and col. 3, lines 41-49 of Herrington. However, Applicant respectfully notes that the cited portion of Dodson merely describes accessing a list of search results, and thus, Dodson does not teach or suggest that a next key or previous key is used to cycle through the content of the plurality of television programs identified without having to access a menu listing the plurality of television programs. Herrington and Ellis fail to make up for the shortcomings in Dodson pointed out above. Accordingly, claim 19 is separately allowable over the cited documents.

In view of the foregoing, Applicant respectfully requests that the Office withdraw the 103 rejection of claims 19, 24, 25, 27 and 28.

Expectation that Next Action will not be Final

Applicant submits that all claims are in condition for allowance. If the next action is not a Notice of Allowance, then in accordance with 37 CFR § 1.113 and MPEP 706.07(a), Applicant respectfully submits that a final action would be premature for the next action at least because Applicant has not amended independent claims 1, 33 and 40. Applicant has explained above that the rejection of claims 1, 33 and 40 under 35 USC § 103(a) in view of the cited documents is improper and should be withdrawn. Consequently, in accordance with 37 CFR § 1.113 and MPEP 706.07(a), if the next action is not a Notice of Allowance, and if a rejection of these claims is made in the next action on other grounds, the next action cannot be made final.

Conclusion

For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that would prevent allowance of this application, Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.

Respectfully Submitted,

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